



Brownfield Green Space & Public Facilities Grants 2006 Application Instructions

PUB-RR-695

May, 2006

The Department of Natural Resources (DNR) offers Brownfield Green Space and Public Facilities Grants to Wisconsin communities to help with the cost of brownfield cleanups at properties that will be redeveloped into public places. These may be green space, recreation areas or public buildings. Brownfields are abandoned or underutilized commercial or industrial properties where expansion or redevelopment is hindered by real or perceived contamination. These instructions are intended to help applicants complete a grant application (Form 4400-228).

This grant is authorized by s. 292.79, Wis. Stats. Program requirements are found in chapter NR 173, Wis. Adm. Code, available at dnr.wi.gov/org/aw/rr/rbrownfields/greenspace_grant

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Wisconsin Department of Natural Resources
P.O. Box 7921, Madison, WI 53707
<http://www.dnr.state.wi.us/org/aw/rr>



Application Instructions

1. All applications must be postmarked by **July 21, 2006**. Incomplete or late applications will not be considered. Mail to:
BF GSPF GRANT MANAGER – RR/3
DNR BUREAU FOR REMEDIATION & REDEVELOPMENT
PO BOX 7921
MADISON WI 53707-7921
2. Mail two (2) originals of each completed application with all attachments for each application. Photos, maps, and other attachments should be clear and legible in both copies.
3. Applicants may submit more than one grant application. Each must be submitted separately with two original copies.
4. **Assistance:** These grants are a unique opportunity to improve brownfields. The application may be somewhat complex and DNR encourages careful review of these instructions and the application form, and then contacting us to discuss your project. We want to help determine if your project is a good fit and help you decide whether you can satisfy program requirements before you complete an application. Please contact the DNR staff on page 13 before the end of June to allow enough time for a project discussion.

Eligibility and Requirements

In order for a grant application to be eligible the following conditions must be met:

1. The site or facility must meet the definition of a brownfield - abandoned, idle, or underused industrial or commercial facilities or sites, the expansion or redevelopment of which is adversely affected by actual or perceived environmental contamination.
2. The person who caused the environmental contamination on which the grant request is based must be unknown, unable to be located, or financially unable to pay the cost of the eligible activities. Alternatively, grants may be awarded if grant activities would exceed the legal responsibility of the person who caused the contamination and that person (or another person) has conducted or agreed to fund the minimum necessary remedial action. For example, a private company could clean up its industrial property to industrial standards, and a community could request a grant for additional cleanup to make the property suitable for a public park.
3. The end use of the property must have a long-term public benefit, including preservation of green space, development of recreation areas or use by a local government. Eligible end uses include but are not limited to: sports fields, trails, playgrounds, city halls, municipal garages, libraries, and fire stations. This grant may also be used to support mixed use development that includes private commercial or residential use, as long as grant is used only at that portion of the site that is eligible.
4. The applicant must have legal access to the site or facility to carry out all the grant activities.

5. A Phase I and Phase II environmental assessment must have been completed for the site or facility in order to apply.
6. The applicant must include a municipal resolution that authorizes this grant application.
7. Grant and match activities must be completed within 24 months from the date the DNR signs the grant contract, unless an extension is granted.

These conditions must be met after a grant is awarded; a grantee can not receive reimbursement until these conditions have been satisfied:

8. A full investigation of the contamination must be completed and approved by DNR, in accordance with ch. NR 716, Wis. Adm. Code, before requesting reimbursement of grant activities. This investigation must be paid for with other funds – it is not an eligible grant activity.
9. DNR must approve a remedial action plan that is completed in accordance with ch. NR 722, Wis. Adm. Code. Grant funds may be used to complete the remedial action plan.
10. A local governmental unit or private non-profit organization must own or have long-term control of the property.
11. A deed restriction must be recorded with the county register of deeds limiting the property use for at least 20 years to that which is specified in the grant agreement.

Eligible Applicants include cities, villages, towns, counties, redevelopment authorities (created under s. 66.1333, Wis. Stats.), community development authorities (created under s. 66.1335, Wis. Stats.), housing authorities, and tribes may apply for this grant.

Eligible Activities include only remedial actions and preparation of remedial action plans. See page 8 for the “Eligible Costs Table”. Remedial actions are those taken to control, minimize, restore or eliminate a discharge of hazardous substances or environmental pollution so that the hazardous substances or environmental pollution do not present a threat to public health, safety or welfare or the environment. Examples include excavation of contaminated soil, disposal of contaminated material, installation of a cap or cover for containment or to prevent infiltration into groundwater, in-situ or ex-situ treatment, and monitoring for natural attenuation.

Ineligible Activities include:

- Site investigation costs
- Asbestos or lead based paint assessment or abatement
- Decommissioning or demolition of buildings or structures
- Construction, site preparation and landscaping costs not directly associated with the remedial action
- Engineering or geotechnical services not associated with the remedial action
- Remedial actions which are necessary to meet minimum closure requirements if the party who caused the contamination is known and financially viable.

Grant Size and Matching Requirements

Grant Size

For 2006, \$1 million in state funds is available to fund these grants. A grant for any amount up to \$200,000 may be awarded. State law requires DNR to award at least 20% of available funding to applications for \$50,000 or less. If you apply for more than \$50,000, but would consider a grant of \$50,000 if your application does not score well enough to obtain higher funds, please indicate this on your application under question 10 on page 7. It is not necessary to submit two applications in this case.

Match Requirements

Each grant requires a minimum local match that is based on the total grant request. Matching funds must be used during the grant period. Please see the "Eligible Costs Table" on page 8 for eligible matching costs. Minimum match requirements are:

Grant Amount	Minimum Match Percentage
Grant of \$50,000 or less	20%
Grants greater than \$50,000 and less than \$100,000	35%
Grants of \$100,000 up to \$200,000	50%

Matches may be provided in cash or the value of in-kind services provided by the grantee or a private, non-profit organization in partnership with the grantee. In-kind contributions are the reasonable (as approved by DNR) value of materials, equipment, services, or labor, including salaries and fringe benefits for staff conducting grant activities. In-kind contributions must be supported by reasonable documentation, described in s. NR 173.15(2), Wis. Adm. Code.

Overmatching: Applicants may earn additional points toward their score by committing to matching funds beyond the minimum. If a match percentage above the minimum is pledged in the grant application, the applicant is responsible for providing the pledged match amount.

Scoring

DNR will score applications as shown in the scoring table below. By law, DNR must award at least 20% of these funds to applications for \$50,000 or less, so those applications will be scored first. After this 20% of the funding has been allocated, the remaining applications will be scored. If two or more applications receive the same score, applications requesting the smaller grant amount will be funded first.

Scoring	
1. 25 Points - Demonstrated Need	Potential Points
<ul style="list-style-type: none"> • Economic distress in the community, including: <ul style="list-style-type: none"> - Poverty level (5 points) - Unemployment rate (2 points) - Property tax value in the community (4 points) 	11 points
<ul style="list-style-type: none"> • Population served. Community need for and benefits from the project 	14 points
2. 15 Points - Commitment of the applicant to the project	Potential Points

<ul style="list-style-type: none"> • Status of property ownership, including: <ul style="list-style-type: none"> - Applicant or non-profit owns the property (4 points); or - Applicant or non-profit has initiated formal acquisition (2 points) 	4 points
<ul style="list-style-type: none"> • Redevelopment of the property into grant eligible use is identified in a plan, such as parks, redevelopment, comprehensive, master plan, utilities and community facilities, or other community land use plan. 	3 points
<ul style="list-style-type: none"> • Public involvement and outreach efforts 	4 points
<ul style="list-style-type: none"> • Community partnerships and support 	4 points
3. 35 Points - Environmental benefits of the project	Potential Points
<ul style="list-style-type: none"> • Health and environmental risks posed by contamination 	15 points
<ul style="list-style-type: none"> • Likelihood that grant activities will complete the environmental cleanup during or after the grant period, including: <ul style="list-style-type: none"> - Site investigation completed (2 points) - Site investigation approved by DNR (3 points) - Remedial action plan completed (2 points) - Remedial action plan approved by DNR (2 points) - Other factors 	15 points
<ul style="list-style-type: none"> • Slum and blight conditions 	5 points
4. 25 Points - Financial commitment to the project	Potential Points
<ul style="list-style-type: none"> • Past 5 years costs toward this project (2 points for \$1000 or more in eligible costs plus 1 point for each additional \$5000, up to 10 points for \$40,000) 	10 points
<ul style="list-style-type: none"> • Excess match (1 point for each additional 10% over minimum, up to 10 points for 100% excess match) 	10 points
<ul style="list-style-type: none"> • Extent to which applicant is financially prepared to complete the project 	5 points
Total Possible Points	100 points

Section by Section Application Instructions

General:

The word "currently" means at the time that an application is submitted.

All information other than attachments must be provided on the application form, although applicants may include additional sheets if the information will not fit on the form or if additional explanation is necessary. Do not exceed the page limits for attachments (see Section 7). Place the project and applicant names at the top right corner of each additional sheet.

Section 2: Applicant Information

Provide the number of the State Assembly District **where the brownfield site or facility is located**. State Assembly District numbers may be found by either:

- (1) Calling the Wisconsin Legislative Hotline at 1-800-362-9472, or 1-800-228-2115 for the hearing impaired; or

(2) Accessing the “Who Are My Legislators?” page on the State of Wisconsin web site at: <http://waml.legis.state.wi.us/>.

Authorized Local Governmental Unit representative means a person with authority to sign all grant-related documents, including the application, the grant contract, and reimbursement requests. This must be a public official or an employee of the applicant.

Contact person means the person who will handle daily activities associated with the grant and is available during normal business hours.

Section 3: General Site or Facility Information

Project Name - Provide a unique name for this project, which may differ from the name in DNR records (e.g. New Main Street Fire Station rather than Mike's Electroplating). If the applicant is submitting more than one application, each should have a different name.

Question 1

Include the name of the party or parties that currently own the property. If located on multiple properties provide the names of all owners.

Question 1b

List dates and actions taken to initiate the formal property acquisition, if applicable. Examples include an approved municipal resolution to acquire the property, an offer to purchase, initiation of condemnation, etc.

Question 4

Briefly explain the status of the property, including whether it is vacant or currently used for purposes such as parking or storage. Describe any business operating at the site or facility.

Question 5

Check all blighted conditions that apply to the property, buildings and structures. For more information about blighted property, please refer to ss. 66.1331 and 66.1333, Wis. Stats.

Section 4: Site or Facility Information - Environmental Contamination

For information regarding the status of DNR review and approval of environmental actions, contact DNR staff listed on page 13.

Question 2

List all contaminants identified in soil, groundwater, or other media through environmental sampling. Do not include asbestos or lead paint in building materials unless they have contaminated the soil, groundwater or other environmental media.

Question 3

If a discharge to the environment has been reported at this site or facility as required by law, include each DNR assigned ten-digit Bureau for Remediation and Redevelopment Tracking

System (BRRTS) number that applies to this application. This number may be found on DNR correspondence or on-line at <http://botw.dnr.state.wi.us/botw/Welcome.do>.

Question 6

- If the party who caused the contamination is known and is able to pay for remediation, a grant may be awarded only if grant activities would exceed the legal responsibility of that person. The applicant must explain this fully in Attachment E.
- If the minimum remedial actions have not yet been completed by the responsible party, the applicant must include a signed letter in Attachment K that indicates the responsible party's agreement to pay for the minimum remedial actions.

Section 5: General Project Information

Question 3

Check yes to committed financing for remediation if with this grant you have funding to complete the entire remedial action. For example, your remedial action estimate is \$150,000 and you are applying for \$150,000. Or, you need \$300,000, have \$200,000 from other sources and are applying for \$100,000. Complete Attachment P to obtain the scoring points.

Question 4

Check yes to committed financing for redevelopment if you have funding to complete the entire redevelopment project (construction of park, landscaping, building buildings, paving, etc.). Complete Attachment P to obtain the scoring points.

Question 10

DNR is required by law to award at least 20% of these funds to projects of \$50,000 or less. If you request more than \$50,000 but your application does not score well enough to be funded, you may use question 10 to indicate that you would like to be considered for a grant of \$50,000 in this case. If you check yes, please submit an alternative set of Tables 2 and 3 based on a \$50,000 grant.

Section 6: Proposed Budget and Itemized Breakdown of Grant Request Activities

Table 2: Grant Request & Matching Funds Table

Complete this table to indicate the amount and type of match that you will provide. The pledged match percentage in Column D, Line 16, must equal or be greater than the minimum required match. See the box on page 4 for dollar match requirements and the "Eligible Costs Table" below for eligible matching actions.

Table 3: Worksheet – Remedial Action Costs or Remedial Action Plan

This is your itemized budget for remedial action activities and remedial action planning. Include both activities that would be paid for by the grant and those that would count as matching funds. This itemized budget helps DNR confirm whether the proposed activities are eligible. The box labeled "Total Cost for Remedial Action & Remedial Action Plan" should include all costs

itemized in this table. The box below this that is labeled “Total Grant Request” should be the same amount or less, because this is the amount of the **grant** request excluding the local match. The amount in the “Total Grant Request must be the same as the figure in Table 2, Column A, Line 3.

Table 4: Past Cost Table (Optional)

If you would like to add eligible past costs to your score, complete this table and provide copies of paid invoices in Attachment Q. Do not include costs that have already been or will be reimbursed by state or federal funds. Not all of the eligible and ineligible costs are included in the chart, please refer to s. NR 173.13, Wis. Adm. Code for complete information

Eligible Costs Table				
Activity or Expense	Grant		Counted as Match or Past Cost	
	Eligible	Ineligible	Eligible	Ineligible
1. Remedial Action	X		X	
2. Preparation of Remedial Action Plan	X		X	
3. Property acquisition costs		X	X	
4. Payment or Cancellation of delinquent taxes		X	X	
5. Site maintenance or security		X	X	
6. Site Investigation costs (ch. NR 716)		X	X	
7. Planning and design of the green space, recreation area, or use by a local government		X	X	
8. Demolition of buildings or structures		X	X	
9. Asbestos abatement activities associated with demolition		X	X	
10. Removal of underground storage tanks	X [#]		X	
11. Removal of abandoned containers	X [#]		X	
12. Removal of debris, solid waste and scrap materials		X	X	
13. Cost to conduct Phase I and Phase II Environmental Assessment		X	X*	
14. Costs that have been paid by other local, state, or federal grant or reimbursement programs		X		X
15. Asbestos abatement without demolition		X		X
16. Costs of chs. NR 749 & 750 fees or other required fees		X		X
17. Capital Equipment		X		X
18. Fines and Penalties		X		X
19. Engineering Costs not associated with the remedial action		X		X
20. Ordinary operating expenses of the applicant, such as salaries		X		X
21. The cost of eligible activities conducted by the applicant (in-kind) or non-profit organization	X		X	
22. Legal Fees		X		X

- * The cost to conduct a Phase I and II Environmental Assessment can count as a "past cost" but may not be considered a matching cost because regulations require that the Phase I and II be completed before the application is submitted.
- # These activities may be eligible for a grant if conducted as part of a remedial action.

Section 7: Attachments

Required Attachments

The following attachments must be included with your application for the application to be considered complete. Please provide these attachments in alphabetical order, clearly labeled with the attachment letter and title.

Attachment A – Environmental Assessment

A copy of the Phase I and Phase II Environmental Assessment/s

Attachment B – Map

A street map that clearly indicates the location of the site or facility where the grant would be used. This map should include a scale, north arrow, clear labels for streets, the site location and boundaries and any other relevant spatial information such as recreational trail connections, greenway connections, etc.

Attachment C – Photographs

Current dated and labeled photos of the site or facility. These photos should show the general conditions of the site or facility include buildings or areas of the site or facility that demonstrate blight or slum conditions. Photos that show areas of potential contamination do not need to be included separately if they are included with the Phase I or Phase II assessment. Include the cardinal direction for each photo.

Attachment D – Environmental Summary

Summary of environmental activities that have been conducted and reports that have been prepared (environmental investigation actions, remedial action plans, and remedial activities).

Attachment E – Causer Information

DNR can award a grant if the person who caused the environmental contamination that is the basis for the grant request is unknown, cannot be located, or is financially unable to pay the cost of the eligible activities. Grants may also be awarded if the grant activities would exceed the legal responsibility of the person who caused the environmental contamination and that person (or another person) has completed or agreed to fund the minimum necessary remedial action. (See item 2 under Eligibility for an example.) Include an explanation and documentation of the following three topics in Attachment E:

1. Based on the Phase I and Phase II reports, historical records, title search and other information, identify, to the best of your ability, the party or parties who caused or likely caused the contamination and explain how you determined this.
2. Describe the current status (*e.g.*, unable to be located, financially unable to pay, etc.) of the party or parties who caused the contamination. Describe how you determined that

these parties are unknown, unable to be located, or financially unable to pay for the eligible activities, including information indicating their current operations, bankruptcy, corporate dissolution, deceased principals and any other relevant information. Include evidence such as bankruptcy statements from the U.S. Bankruptcy Court, a copy of the corporate dissolution from the Department of Financial Institutions or other documents.

3. If the person who caused the contamination is financially viable and the applicant is requesting a grant for remedial actions beyond that person's minimum regulatory responsibilities, explain in this attachment. Include the status of the cleanup and who has completed or agreed to fund the minimum necessary remedial action. For example, a business may have cleaned up to industrial standards, and you want a grant to excavate contaminated soil in order to safely use the property for a playground. Document the type of remedy required of the responsible party and include the estimated cost of that remedy. Then document the additional remedial activities you want to conduct and the additional costs that would be covered by this grant. Be sure to include Attachment K.

Attachment F – Grant Activities (1 Page Maximum)

Provide a concise description of the grant activities for which you are applying, including a description of the remediation method(s) you expect to use (*e.g.*, soil vapor extraction, excavation of contaminated soil, monitored natural attenuation, engineering control, etc.). This should be consistent with the cost data provided in the budget worksheet in Table 3. Explain whether you expect the grant funds and pledged match to complete the remedial action and bring the cleanup to completion and DNR approval (case closure), or whether additional funding will be necessary to complete remedial actions.

Attachment G – Reuse Plan (1 Page Maximum)

Describe how the site or facility will be reused or developed, the type of facilities that will be developed on the property, the schedule for the development and any other relevant information.

Attachment H – Community Need (1 Page Maximum)

Describe why this green space, recreation area, or local governmental use is needed in the community. If appropriate, include the following:

- Community and neighborhood need for this green space, recreation area, or government facility and the benefits they will enjoy from this project.
- Findings of any planning or studies that document the need for this project.
- Other comparable existing green space, recreation areas, or government facilities that are near or could potentially connect to this site or facility.
- Statistics about the population served by this project and the lack of comparable services.
- If this project would replace or expand an existing facility, describe the current status of the facility and the need to replace or expand it.
- Describe any efficiencies gained by development of this green space, recreation areas, or government facility.

Attachment I – Municipal Resolution

Include a copy of the municipal resolution that designates an authorized local government representative for this project, commits the applicant to completing grant activities if the grant is awarded, commits the applicant to maintain the property in the end use specified in the

application and allows DNR access to the site or facility and grant records. An example resolution is attached.

Attachments Required Under Certain Circumstances

Attachment J – Match Letter

If matching funds are being provided by any organization other than the applicant, attach a signed letter from that organization explaining their commitment to providing matching funds or volunteer services.

Attachment K – Cleanup Letter

See Attachment E, Part 3. If your grant application includes activities beyond minimum environmental cleanup requirements and those minimum requirements have not yet been met, attach a letter from the party who has agreed to complete the minimum cleanup that shows that party's commitment. If the applicant is paying for the minimum required cleanup, a letter from the applicant should be included which describes the source of the funds for the minimum cleanup.

Attachment L – Other Financial

If the applicant or another party has applied for, been awarded, or spent funds from any other state, federal, or private financial assistance program, provide a list of those programs, the application dates and whether the funds have been approved or awarded.

Additional Attachments

Attachments M through Q are required if you want to earn scoring points for the criteria described below. DNR will determine whether these attachments receive full, partial or no points.

Attachment M – Land-Use Plan

If this project was recommended in a community land-use plan, include a copy of the relevant section(s) of the park plan, redevelopment plan, comprehensive plan, master plan, utilities and community facilities plan, or other community land-use plan/s that recommended this project. Include a copy of the cover page for the plan and the date of the plan.

Attachment N – Community Partners (1 Page Maximum)

To earn points for community partners, list the community organizations involved with this project. Include a contact person, phone number, and brief description of past, present and future contribution or involvement for each organization. Examples include cash donations for site assessment, plans to maintain property ownership, members volunteered to develop and maintain gardens, members of the committee that developed the project plans, etc.). These organizations may include, but are not limited to, local neighborhood associations, environmental organizations, civic organizations, local businesses, educational institutions, and local labor organizations. DNR will check these contacts to confirm support for and involvement with the project.

Attachment O – Public Participation (1 page Maximum)

Describe any public participation and involvement with this project that has already occurred, including the environmental investigation, remedial action planning and implementation and redevelopment and planning. Include information about any of the following that are applicable:

- public meetings or on-site work days
- committee or board meetings where the project was discussed
- public outreach or fund-raising efforts and events
- publication of announcements or notices about the project
- advisory committees

Attachment P – Committed Funding

If funds have been committed to complete the project, provide documentation that demonstrates both funds committed to pay for environmental remediation (which may include this grant application), and funds committed to pay for the development of the site or facility as a green space, recreation area, or a local government facility. Examples of documentation include, but are not limited to:

- letters from a bank committing the funding
- documentation of the establishment of a Tax Incremental District
- municipal resolution or adopted budget that commits adequate funding for the project
- other appropriate information.

Attachment Q – Past Costs

Include a copy of all paid invoices or other documentation for past costs for calendar years 2001-2005 which you want to count toward your score. Invoices should correspond to your costs in the "Eligible Costs Table" on page 10.

Section 8: Certification

Your authorized representative listed in Section 1 of this application must sign the certification.

DNR Contacts

Contact the following DNR staff if you have questions about specific sites.

NORTHERN REGION

John Sager
(715) 623-4190
john.sager@dnr.state.wi.us

NORTHEAST REGION

Annette Weissbach
(920) 662-5165
annette.weissbach@dnr.state.wi.us

SOUTH CENTRAL REGION

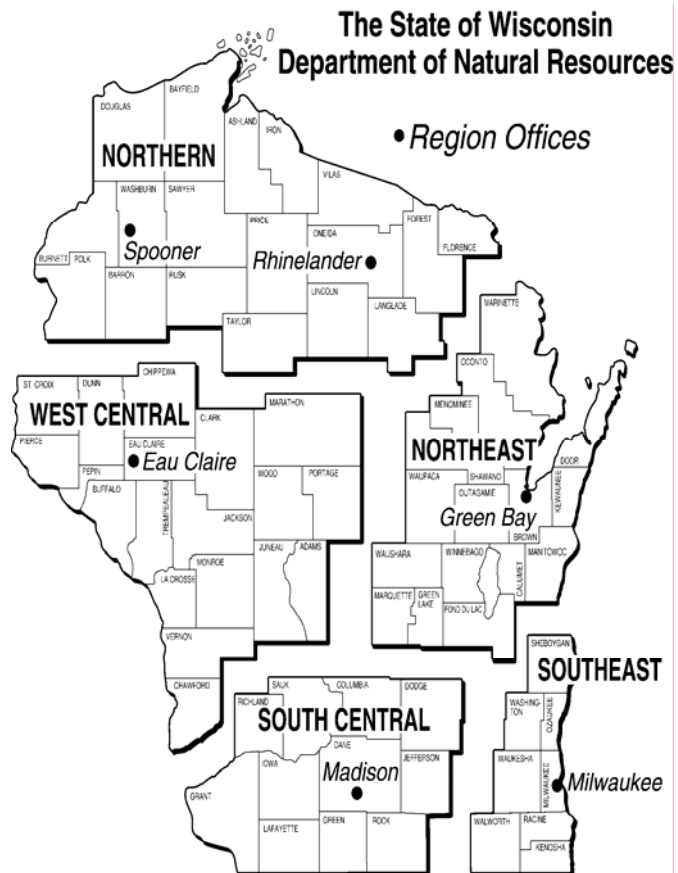
Linda Hanefeld
(608) 935-1948
linda.hanefeld@dnr.state.wi.us

SOUTHEAST REGION

Margaret Brunette
(414) 263-8557
margaret.brunette@dnr.state.wi.us

WEST CENTRAL REGION

Loren Brumberg
(715) 839-3770
loren.brumberg@dnr.state.wi.us



If you have general questions about the Brownfields Green Space & Public Facilities Grant Program, please contact Michael Prager (608-261-4927 or michael.prager@dnr.state.wi.us).

This document may contain some information about certain state statutes and rules but does not necessarily include all of the details found in the statutes/rules. Readers should consult the actual language of the statutes/rules to answer specific questions.

The Wisconsin Department of Natural Resources provides equal opportunity in its employment, programs, services, and functions under an Affirmative Action Plan. If you have any questions, please write to Equal Opportunity Office, Department of Interior, Washington, D.C. 20240



Sample Resolution

Resolution of (Applicant)

A RESOLUTION authorizing the submittal of a state grant application by (Name of Authorized Local Governmental Unit Representative) and the subsequent appropriation of (Applicant) funds for a Brownfield Green Space and Public Facilities Grant.

WHEREAS, (Applicant) recognizes that the remediation and redevelopment of brownfields is an important part of protecting Wisconsin's resources; and

WHEREAS, in this action the (Applicant - Board, Common Council, etc.) has declared its intent to complete the Brownfield Green Space and Public Facilities Grant activities described in the application if awarded funds; and

WHEREAS, the (Applicant) has declared its intent to maintain the grant property for the end use specified in the application; and

WHEREAS, the (Applicant) will maintain records documenting all grant activities including expenditures made during the Brownfield Green Space and Public Facilities Grant period; and

WHEREAS, the (Applicant) will allow employees from the Department of Natural Resources access to inspect the grant site or facility and grant records; and

WHEREAS, the (Applicant) will submit a final report to the Department summarizing all grant activities which will accompany the final payment request.

IT IS, THEREFORE RESOLVED THAT:

The (Applicant - Board, Common Council, etc.) requests funds and assistance available from the Wisconsin Department of Natural Resources under the Brownfield Green Space and Public Facilities Grant Program and will comply with state statutes and rules for the program;

The (Applicant) HEREBY AUTHORIZES (Name of Authorized Representative) to act on the behalf of the (Applicant) to: submit an application to the State of Wisconsin for financial aid for Brownfield Green Space and Public Facilities Grant purposes, sign documents, and take necessary action to undertake, direct, and complete approved grant activities.

Adopted this day _____ of _____, 20____
By a vote of: ____ in favor, ____ against, and ____ abstain

BY: _____ secretary/clerk of (Applicant)